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Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
 Washington, D.C. 20554

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MAY 21 1997

Federal Communications Commission  
Office of Secretary

In the Matter of )  
 )  
 Electronic Filing of Documents )  
 in Rulemaking Proceedings )

GC Docket No. 97-113

## COMMENTS OF SPRINT CORPORATION

### I. Introduction

By Notice of Proposed Rulemaking ("NPRM") issued in the above referenced docket on April 3, 1997, the Commission proposed to allow electronic comments to be filed in Commission rulemaking proceedings, using the World Wide Web and electronic mail.<sup>1</sup> Several provisions of the Commission's current rules require comments, replies and other documents to be filed on paper.<sup>2</sup> The Commission tentatively concluded that these rules should be modified so that electronically filed comments will receive the same treatment and consideration as comments filed on paper.

As noted in the NPRM, the Commission seeks to make it easier for the public to file comments and to gain access to comments filed by others.<sup>3</sup> Under this proposal, parties would still have the option of filing comments on paper. The Commission seeks comment on this conclusion and on any other rule changes needed to facilitate electronic filing.

<sup>1</sup> *In The Matter of Electronic Filing of Documents In Rulemaking Proceedings*, GC Docket No. 97-113, Adopted: April 3, 1997, Released: April 7, 1997 ("NPRM").

<sup>2</sup> NPRM at par. 9.

<sup>3</sup> NPRM at par. 11.

It should also be noted that on Wednesday April 30, 1997, at 10:00 a.m., the Commission held an Open Forum to discuss issues related to the NPRM.<sup>4</sup> The purpose of the Open Forum was to provide an opportunity for the Commission to gain public input about procedural issues, formats, and the online filing system and interfaces to be used, as well as an opportunity to provide to the public additional information about the electronic filing system called Quickstart.<sup>5</sup>

## **II. Comments**

Sprint supports the Commission's conclusion that access to the Commission has been and will continue to be facilitated through the use of the Internet and other electronic communication technologies. It is undeniable that this is the direction of modern communications, both on a national as well as international scope. The result is progress towards faster and more complete communication for the Commission and those affected by its decisions. Communication to and from the Commission can only be enhanced by such an approach.

This is not to say that such an approach will not have significant challenges and problems. Using a computer and an online service can be problematic enough when circumstances are relaxed and time is plentiful. It is not difficult to imagine the circumstances that may be presented when an important filing is due at the Commission with multiple parties seeking to access the same electronic service to make a timely filing.

### **A. Mechanism for Filing**

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<sup>4</sup> April 30 Open Forum On Proposal For Electronic Filing of Comments In FCC Rulemaking Proceedings , GC Docket No. 97-113, Report No. GN 97-7, April 25, 1997.

<sup>5</sup> Id.

The Commission seeks comment on the means by which electronic comments in rulemaking proceedings should be submitted to the Commission.<sup>6</sup> Currently the Commission requires parties to file multiple copies of formal comments with the Secretary, and usually asks that separate copies be submitted to its copy contractor, to facilitate distribution of copies within the Commission and to the public. The Commission tentatively concludes that, if comments are filed electronically, parties would need only to submit one electronic "copy," which could automatically be distributed by the Commission to the appropriate Bureaus and Offices, as well as the copy contractor, in electronic form.<sup>7</sup> Sprint agrees with this conclusion.

In order to reduce administrative burdens, the Commission also tentatively concludes that the primary mechanism for electronic filing of formal comments in rulemaking proceedings should be a World Wide Web page form, through which parties may upload their comments directly into a database or input brief comments directly.<sup>8</sup> Intuitively, Sprint agrees that all filings should be submitted via a single electronic methodology. As noted by the Commission, the use of multiple methods requires additional processing on the part of the Commission's staff. Diskettes must be individually loaded onto the Commission computers and scanned for computer viruses, files must be manually transferred from each diskette, and Commission's staff must extract the necessary filing data such as docket number from the files. Electronic mail also requires additional effort to extract and verify filing data, and to screen e-mail filings for transfer into a central database. Sprint agrees that it would be

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<sup>6</sup> NPRM at par. 12.

<sup>7</sup> Id.

<sup>8</sup> NPRM at par. 14.

problematic at best to divide the resources of the Commission and the public to accommodate multiple avenues of access.

The downside to a single electronic methodology, however, is that if there is a technical problem at the one site or electronic location there may be no opportunity for access at all. Should a problem develop at the Commission's facilities or the various avenues of access to these facilities, parties may have no meaningful opportunity to make timely filings. Under such circumstances Sprint would encourage a flexible approach by the Commission to resolve the timing problem in a fair and equitable manner. Sprint would encourage that the Commission take into consideration technical problems in allowing late filings to be accepted without penalty so long as the circumstances do not become repetitive or abusive.

Sprint supports the Commission's conclusion with respect to a single form of filing. As the Commission notes, this mechanism would allow filing data to be submitted and verified automatically. Moreover, a Web page interface will allow parties to use the same system to search for and download comments filed in a proceeding as they do to file their own comments.<sup>9</sup>

#### B. Security

The Commission notes that the security and integrity of comments filed electronically is a significant concern.<sup>10</sup> The proposed electronic comment processing system will utilize a secure database that can only be modified by authorized Commission staff. The Commission seeks comment on whether any special measures are necessary to authenticate or secure electronic comments in rulemaking proceedings. The Commission notes that electronic

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<sup>9</sup> Id.

<sup>10</sup> NPRM at par. 15.

comments can be forged, but the risk appears to be no greater than with paper comments.

Sprint generally concurs in the Commission's conclusion that although security is a concern it should be no more troublesome than it is currently for paper filings.<sup>11</sup> If, as the proposed rules reflect, the Commission were to permit electronic filing without any special security measures, other than requiring basic identifying information (such as name, street address, telephone number, and e-mail address) as a point of contact, it would be up to the commenters, as it is today for paper filings, to identify fraudulent filings. Sprint concurs that this is a workable solution, however, only so long as the commenter receives some verification of the authenticity of the form of filing made with the Commission. In a paper world, the commenter would receive a "file stamped" copy of the filing as documentation and proof of the form of the filing made. This "file stamped" copy will not exist in the same form in the electronic world. Rather, the Commission will acknowledge receipt of comments with a time-stamped confirmation number.<sup>12</sup> The authenticity of the document could be verified using this receipt and the accuracy checked through various comparing tools included in most software.

### C. Frivolous Filings

The Commission also seeks comment on whether any special procedures should be developed to mitigate frivolous or abusive filings.<sup>13</sup> The Commission notes that it has authority to reject such filings and that the ease of electronic filing may increase the likelihood that some individuals or groups will make frivolous, abusive, or repetitive filings in

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<sup>11</sup> NPRM at par. 16.

<sup>12</sup> The acknowledgment receipt was presented at the April 30 Open forum.

<sup>13</sup> NPRM at par. 17.

this manner. The Commission concludes, however, that no special procedures should be created to address this concern. Sprint agrees with the Commission's tentative conclusion and suggests there is limited opportunity to develop rules which both promote an open and accessible forum while at the same time guarding against those that would abuse that forum. Such matters should be treated on an individual case bases as the need arises.

D. Filing Time and Date

Perhaps the most difficult aspect of the proposal to accept electronic filings is the ability to allow access to such as system to multiple parties at the same time. Of necessity all filings in a given proceeding are due at the same time on the same date. The Commission tentatively concludes that the filing date and time for comments submitted by electronic mail shall be the date the document is received by the Commission.<sup>14</sup> The Commission acknowledges that comments filed via the Internet may take time in transit due to network congestion or large attached files; however, it concludes that this transmission period will usually be quite short, and that these rules are the only enforceable means for determining when comments are filed.

The Commission also tentatively concludes that electronic comments will be subject to the same treatment as paper comments, in that comments that are received before the applicable deadline that meet the necessary formalities will be treated as formal filings, and comments that are received after the deadlines, or that fail to meet the necessary formalities, will be treated as informal or ex parte filings.<sup>15</sup>

Sprint has concerns that comments filed via the Internet may take time in transit due

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<sup>14</sup> NPRM at par. 18.

<sup>15</sup> NPRM at par. 19.

to network congestion or large attached files, especially in light of the number of parties that may be involved in a particular proceeding. Sprint suggests a more relaxed approach until such time as the Commission and the participating parties have gained some level of comfort on how the electronic filing system will function. Sprint would encourage that the Commission take into consideration technical problems in allowing late filings to be accepted without penalty so long as the circumstances do not become repetitive or abusive. Sprint further suggests that to the extent that such a filing system is automated, the Commission should consider extending the hours for receipt of such comments.<sup>16</sup> This may alleviate the congestion to some degree. Comments already filed should not be made available until after the deadline for filing comments is passed.

#### Other Issues

The Commission also requested public input on the specific procedures by which we accept comments electronically.<sup>17</sup> Sprint suggests that the easiest approach to page limits would be to set a standard based upon file size. Documents should be submitted with numbered paragraphs to facilitate citation, in much the same manner as Commission orders are currently issued. With respect to file format, Sprint would encourage the Commission to make a concerted effort to accept a multitude of software formats as part of the process.

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<sup>16</sup> At the Open Forum it was represented that the Commission was considering extended filing hours.

<sup>17</sup> NPRM at par. 21.

### **III. Conclusion**

Sprint supports the Commission's conclusion that access to the Commission has been and will continue to be facilitated through the use of the Internet and other electronic communication technologies. Such an approach should be implemented as the Commission has outlined in its NPRM in light of the comments set forth herein.

Sprint Corporation

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May 21, 1997



## CERTIFICATE OF SERVICE

I, Melinda L. Mills, hereby certify that I have on this 21<sup>st</sup> day of May, 1997, served via Electronic Mail, a copy of the foregoing "Comments of Sprint Corporation" in the Matter of Electronic Filing of Documents in Rulemaking Proceedings, GC Docket No. 97-113, filed this date with the Acting Secretary, Federal Communications Commission, to the persons on the attached service list.

"signed"  
Melinda L. Mills

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